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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/722,035   | 11/24/2003  | Andrew Berglund      | BerglundArm         | 6498             |
| 27119  | 7590        | 01/18/2007           | EXAMINER            |                  |
| ALBERT W. WATKINS<br>30844 NE 1ST AVENUE<br>ST. JOSEPH, MN 56374 |             |                      | STERLING, AMY JO    |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3632                |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE                           |             | MAIL DATE            | DELIVERY MODE       |                  |
| 3 MONTHS   |             | 01/18/2007           | PAPER               |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                 |                  |
|------------------------------|-----------------|------------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)     |
|                              | 10/722,035      | BERGLUND, ANDREW |
|                              | Examiner        | Art Unit         |
|                              | Amy J. Sterling | 3632             |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 November 2006.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-9 and 13-19 is/are allowed.
- 6) Claim(s) 20 and 21 is/are rejected.
- 7) Claim(s) 10-12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 November 2006 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the **Final Office Action** for application number 10/722,035 Adaptive Arm Support, filed on 11/24/03. Claims 1-21 are pending. This **Final Office Action** is in response to applicant's reply dated 11/24/06. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "force responsive bushing" (claims 1, 10, 13) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said translating" in line 8. There is insufficient antecedent basis for this limitation in the claim. The claim should be changed to read the "means for suspending and translating" as appears in line 5.

***Claim Rejections - 35 USC § 102***

Claims 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 1721221 to Jáuregui.

With regards to claims 1, 3-8 and 13-18, the patent to Jáuregui discloses an adaptive support having a base support (5) a first support member (8) pivotal about a first axis passing through the first support member and repositionable with respect to

the base support along the first axis having a means (10) for variably setting a resistance to the first axis pivotal motion while simultaneously permitting motion, to thereby dampen tremors, a second support member (26) pivotal about a second axis displaced from the first axis and passing through the first and second support members having a means (28) which is an adjustable coupler, for variably setting a resistance to the second axis pivotal motion while simultaneously permitting pivoting motion and a longitudinally translating extensive armrest (30) having a forearm rest and a hand cup (end of channel 30) pivotal about a third axis displaced from the second axis and passing through the second and third support members having a means (31) for variably setting a resistance to the third axis pivotal motion while simultaneously permitting motion, to thereby dampen tremors, the first second and third axis which are parallel, a pivotal member (30a) between the armrest and the second support member pivotal about a fourth axis angularly offset and perpendicular from the third axis having a means (31) for variably setting a resistance to the fourth axis pivotal motion while simultaneously permitting motion, to thereby dampen tremors, and an elbow pad (15) extendible from the armrest and pivotal about a fifth axis angularly offset and perpendicular from the armrest longitudinal axis and a means (12) for variably setting the resistance of the elbow pad, a pair of L-shaped rods (13) spaced from each other and which are extendible parallel to the armrest longitudinal axis, the elbow pad (15) independently pivotal about each of the L-shaped spaced rods, wherein the longitudinal extension of a first one of the rods while a second one remains anchored effectuates pivotal motion about the elbow pad about a fifth axis.

***Response to Arguments***

The applicant has argued the Jáuregui reference would not meet the limitation of "variably setting a resistance during translation". This is unpersuasive in that the argument is using language that is not claimed in claims 20 or 21. The term "during" does not appear. Claim 20 recites, "having a means for variably setting a resistance to said second axis pivotal motion". The reference meets this limitation in that the locking device could be tightened so that it is snug or tightened so that it is very snug, both producing a different resistance to the pivotal motion. Claim 21 recites, means for variably setting a resistance to said translating. The same argument applies to this limitation in that the amount of tightening of the locking screw will determine the resistance against translation, the resistance being infinitely variable. The timing of the variability as indicated by the term "during" does not apply.

***Allowable Subject Matter***

Claims 1-9 and 13-19 are allowed.

Claims 10-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The reason is that the prior art does not teach a force-creating member engaging a force responsive bushing and operative thereby to variably set a steady resistant to the means for suspending and translating.

***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.



Amy J. Sterling  
Primary Examiner  
1/10/07